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STATE OF MONTANA
DIVISION OF FORENSIC SCIENCE
DEPARTMENT OF JUSTICE
275 West Front Street, Missoula, MT 59802 (406) 728-4970

Ronald L. Rivers, M.D.
State Medical Examiner

Arnold B. Melnikoff
Laboratory Bureau Chief

Dawn M. Kangas
Administrative Assistant

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MAY 1983

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DEATH INVESTIGATION COURSES

May 2-6 St. Louis, Missouri (Coroners Training Course)

May 12-13 Lake Tahoe, Nevada (Homicide Investigation (702) 588-3511)

May 20 Oakland, California (Medical-Legal Seminar (415) 451-1060)

AUTOPSIES BY THE CHIEF STATE MEDICAL EXAMINER

There has been some confusion throughout the State regarding the functions of the Chief State Medical Examiner. Although the Chief Medical Examiner (CME) assists at autopsies, he does not ordinarily conduct solo autopsies except in extreme emergencies. The statutory duties of the office are to educate, consult and assist in matters involving medicolegal investigations, not to perform all autopsies for law enforcement.

Logistical problems prevent the CME from taking reponsibility for all autopsies needed by law enforcement throughout the state. The CME must be available to teach courses and to assist county attorneys in pretrial conferences with pathologists (though the CME does not ordinarily testify in court).

The Office of the Medical Examiner, like the Laboratory of Criminalistics, exists to provide specific services and not to take over the responsibilities and functions of local agencies or individuals. The CME will assist at any death scene when requested, but he will never take charge of an investigation.

THANKS

To all the legislators, county attorneys, law enforcement, coroners and physicians who supported the Division during our last legislative session. A special thanks to Mike Greely and his staff who worked so hard to implement our requests.

ON CALL SCHEDULE - MONTANA STATE MEDICAL EXAMINER

MAY 1983

275 W. Front Street
Missoula, Montana 59802

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 JOHN PFAFF	2	3	4	5	6	7 RON RIVERS
8 RON RIVERS	9	10	11	12	13	14 RON RIVERS
15 RON RIVERS	16	17	18	19	20	21 RON RIVERS
22 RON RIVERS	23	24	25	26	27	28 JOHN PFAFF
29 JOHN PFAFF	30	31				

Telephone Numbers: State Office - 728-4970
WATS Line - 243-5796

Home Phone: Dr. Ron Rivers- 728-2033 (Home)
(week nights call unless otherwise indicated)

Dr. John Pfaff - Great Falls
Hospital - 727-3333
Home - 727-3905

Dr. Ken Mueller- Billings
Hospital - 657-7000
Home - 248-3024

POLICE CUSTODY DEATHS
MAY 1983
R. L. RIVERS, M.D.

"FOOTBALL STAR DIES IN COUNTY JAIL", screamed the headlines.

The article then read: "Commissioners demand inquest and autopsy. Eighteen year old Rock Roughemup was found dead in his cell at 7:10 this morning after having been arrested for being drunk and disorderly at a party the evening before. Rock was an All-State Champion full-back for Letsget High School. A spokesman for the sheriff's office has stated that the death was apparently due to "natural causes". The Sheriff also happens to be the coroner. At this time it is not known if an autopsy or inquest will be held.

The mother of Mr. Roughemup said the boy has been healthy all his life. She had visited her son the night before and was trying to arrange bail. The grieving mother claimed "he had a black eye and was probably beaten. He seemed perfectly sober to me".

The county attorney's office released the information that the boy was under the influence of alcohol at the time of his arrest. No other statements were released."

The purple faced sheriff threw the paper down on his desk and exclaimed to the deputy, "Damn those reporters; they are at it again! Always trying to create a controversy. They know damn well there has to be an inquest under the law."

The deputy asked, "Doesn't an autopsy have to be performed under the law?" The sheriff ignored his question and shouted, "Where are those reports? I sure hope "Choke-hold Charlie" wasn't the jailer last night. The papers would love that, particularly since he demonstrated it on that drunken editor last year."

"Nope, Chuck was off duty last night", the deputy explained. Besides, he uses the carotid sleeper now and that's supposed to be safer. Again the sheriff ignored the deputy as he answered the ringing phone. He listened intently then said aside, "The father says the boy was an epileptic and not taking his medication".

QUESTIONS:

1) Is an inquest mandatory under the law?

2) When are autopsies required under the law?

3) What is the difference between the bar arm, or choke hold, and the carotid sleeper?

4) Could the epilepsy have caused his death?

ANSWERS:

1. Yes - The Montana Code states, "When the death of any person occurs in a jail or penal institution, or from the use of a fire-arm by a peace officer, except where criminal charges have been, or will be filed, the county attorney shall direct the coroner to hold an inquest". (46-4-201).

2. In Montana, as well as most other states, autopsies are not required under the law, even for homicides. Such deaths are often required by law to be investigated but not autopsied. This decision is usually left to the coroner and/or medical examiner.

   Coroners have been very diligent in ordering autopsies on jail and prison deaths. Any death during police custody should be autopsied. As in this case, there is usually an intense interest on the part of the news media. Relatives and their attorneys may create extra-ordinary difficulties for law enforcement personnel. The public and officials may find it difficult to believe that the coroner and/or the sheriff will remain unbiased and objective because of their professional and, at times, personal relationship to the law officers involved.

   The physician will substantiate the investigation with his findings. The latter may even help prevent similar deaths in the future.

3. The choke hold is designed to compress the airway. It has resulted in some fractures of the windpipe. The carotid sleeper compresses the carotid, or neck arteries. The arteries supply the brain with blood and result in unconsciousness when cut off. Eighty-five percent of the blood flow to the head is reduced within six seconds by the "sleeper".

   Both holds are potentially lethal. They are extremely lethal in mental patients; men over the age of 40; people using street drugs and alcohol; epileptics; people on prescription drugs and blacks with sickle cell disease.

References: (1) Reay, D.T. and Eisele, J.E.: Death from Law Enforcement Neck Holds: American Journal of Forensic Medical Pathology 3: 253-258, 1982.

(2) Reay, D.T., and Eisele, J.E.: Changes in Carotid Blood Flow Produced by Neck Compression; American Journal of Forensic Medical Pathology 3: 199-202, 1982

ANSWERS (continued)

4. Yes - People with seizure disorders or epilepsy can die during a fit or a convulsion due to a respiratory arrest. Signs of a convulsion are a bitten tongue, urinary and fecal incontinence and bruises or scratches on the hands, arms, or legs during the seizure. It is also important to analyze the blood for the absence of medications they were supposed to be taking. So the negative toxicology becomes important.

   Complete toxicology may also uncover digitalis in a heart patient, diabetes, acute alcohol or wood alcohol poisoning, or an overdose of anything.

   Heavy drinkers have been known to pass out sitting on the floor against the wall. Slowly sliding down the wall in their stupor they flex the neck and their windpipe to cut off the air. This is called "positional asphyxia". If the body is moved from its original position before being photographed the cause of death may never be determined.

   Photographs are extremely essential in jail deaths to eliminate any suspicion of injury. Full front and back nude body photos, as well as a close photo of every injury should be taken. Later accusations of fictitious injuries are all too frequent.